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 COURT, DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT  
 DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH MICHAEL O'ROURKE,

Defendant.

Case No. **2:19mj652 PMW**

CRIMINAL COMPLAINT

Count 1: 21 U.S.C § 841(a)(1)-  
 Possession with Intent to Distribute  
 Methamphetamine

Paul M. Warner  
 United States Chief Magistrate Judge

Before Paul M. Warner, United States Chief Magistrate Judge for the District of Utah, appeared the undersigned, who on oath deposes and says:

**COUNT 1**  
**21 U.S.C. § 841(a)(1)**  
**(Possession with Intent to Distribute Methamphetamine)**

On or about September 18, 2019, in the Northern Division of the District of Utah,

**KENNETH MICHAEL O'ROURKE,**

defendant herein, did knowingly and intentionally possesses with intent to distribute fifty (50) grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, within the meaning of 21 U.S.C. §

812; all in violation of 21 U.S.C. §§ 841(a)(1) & 18 U.S.C. § 2, and punishable pursuant to 21 U.S.C. § 841(b)(1)(B).

This complaint is made on the basis of investigation consisting of the following:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice, in Riverside, California. I have been a SA with ATF since April, 2013.
2. As an ATF SA, I have completed the Federal Law Enforcement Training Center's Criminal Investigator Training Program and the ATF's Special Agent Basic Training. This training included preparation and execution of search and arrest warrants for federal firearms and narcotics law violations.
3. Prior to becoming a SA with the ATF, I was a Supervisory Border Patrol Agent for the United States Border Patrol. Prior to my five years with the Border Patrol, I was a warranted Contracting Officer with the United States Air Force (USAF) for three years. For the previous five years, I was a USAF C-17 Pilot with over three hundred combat hours.
4. During my career in the field, I have received training regarding narcotics trafficking and firearm-related offenses. I have written and/or executed several search/arrest warrants for violations of federal and state laws. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As a result of my training and experience as an ATF SA, I am familiar with federal laws including Title 21, United States Code, Section 841(a)(1), Possession with

Intent to Distribute a Controlled Substance.

5. This affidavit does not contain all of the information known to your affiant but rather only those facts believed necessary to obtain an arrest warrant. I am familiar with the facts and circumstances set forth herein as a result of my personal participation in this investigation, as well as my review of official reports and records and conversations with other law enforcement officers as more fully described below. The facts in this affidavit come from my personal observations, my specialized training and experience, and information obtained from other agents and/or witnesses.
6. Based on the facts set forth in this affidavit, I believe that there is probable cause that Kenneth Michael O'ROURKE committed violations to include Possession With Intent to Distribute a Controlled Substance (methamphetamine), in violation of Title 21, United States Code, Section 841(a)(1).
7. On Wednesday, September 18, 2019, at approximately 1310 hours, Officer Bishop conducted a traffic stop at 3000 Adams Avenue on a 2002 Honda Accord (UT F130LB) for a traffic violation. Upon making contact with the driver, and sole occupant of the vehicle, Kenneth Michael O'ROURKE, Officer Bishop observed signs of impairment. Agent Pearson of the Weber Morgan Narcotics Strike Force (WMNSF) responded to assist and conduct Standard Field Sobriety Tests (SFST). O'ROURKE refused to conduct SFSTs.
8. While Agent Pearson was explaining to O'ROURKE that he needed to conduct

SFSTs to make sure he was safe to drive, he observed in plain view a small baggie that contained a white crystalline substance in the driver door handle. O'ROURKE was immediately placed under arrest.

9. While searching the vehicle (incident to arrest), a firearm, Ruger SR45, .45 caliber, handgun, serial number 380-51223, was located in a gym bag that was in the front passenger seat. Also inside the same bag, officers located large quantities of a white crystalline substance and black tar substance. The white crystalline substance was identified as methamphetamine and the black-tar like substance as Heroin.

10. O'ROURKE invoked his right to remain silent and did not want to be interviewed. While being booked into the Weber County Jail, O'ROURKE advised jail deputies that he had consumed "1/5 of vodka" and "4 grams of heroin" 2 hours prior to being arrested.

11. Officer Bishop gave the narcotics to WMNSF Sgt. Michael Flint who transported them to the WMNSF for testing and booking. Adult Probation and Parole (AP&P) Agent Jordan Bonyai tested the white crystalline substance which field tested positive for methamphetamine, and weighed 104.4 grams. The black-tar substance, field tested positive for Heroin, and weighed 91.7 grams.

12. In my training and experience, including interviews with scores of drug traffickers, I know that 104.4 grams of methamphetamine and 91.7 grams of heroin are amounts of these substances consistent with an intent to distribute them to other people. I also know that those trafficking in controlled substances often

carry firearms to protect themselves while conducting drug transactions.

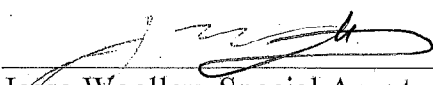
**CONCLUSION**

13. Based on the aforementioned facts, I believe that there is probable cause that

Kenneth Michael O'ROURKE committed violations to include Possession With Intent to Distribute a Controlled Substance (methamphetamine), in violation of Title 21, United States Code, Section 841(a)(1).

14. I swear that this information is true and correct to the best of my knowledge, information, and belief. I further request a warrant for arrest be issued based upon the facts set forth herein.

DATED this 19th day of September, 2019.

  
Jesse Woolley, Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms & Explosives

Subscribed and sworn to before me this <sup>19<sup>th</sup></sup> 20th day of September, 2019.

  
PAUL M. WARNER  
United States Chief Magistrate Judge

APPROVED:

JOHN HUBER  
United States Attorney

  
STEPHEN NELSON  
Assistant United States Attorney